

Message Text

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ACTION DLOS-06

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EUR-12 NEA-10 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01

CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01

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C O N F I D E N T I A L USUN 3218

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: INFORMAL PLENARY ON DISPUTE SETTLEMENT AUGUST 11

1. CONSIDERATION OF ARTICLE 9 CONCLUDED AUGUST 11.

2. PRC, LIBYA AND SAUDI ARABIA OPPOSED COMPULSORY DISPUTE SETTLEMENT: PRC FOR REASONS OF SOVEREIGNTY, LIBYA WITHOUT EXPLANATION AND SAUDI ARABIA (BAROODY) FOR REASONS OF PURE CYNICISM. NEVERTHELESS, PRC SUPPORTED ARGENTINE, ECUADOREAN AND OTHER LDC COASTAL STATE POSITIONS ON ARTICLE 18 AND LIBYA SUPPORTED FLEXIBILITY IN PARA. 1 AS WELL AS EXCLUSION OF ECONOMIC ZONE DISPUTES.

3. GDR TOOK SOVIET POSITION ON SPECIAL PROCEDURES AND COMPOSITION OF LOS TRIBUNAL, WITH SUPPORT FOR PARA. 1, WHILE SUPPORTING LDC RESERVATIONS ABOUT ICJ. UKRAINE ALSO SUPPORTED PARA. 1 AS BASIS FOR COMPROMISE, EXPRESSED NEGATIVE
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ATTITUDE TOWARD LOS TRIBUNAL IN LIGHT OF ITS MEMBERSHIP, AND

SUGGESTED DELETION OF ART. 9, PARA. 2 AS VIOLATION OF THE PRINCIPLE OF FREE CHOICE. USSR, DEFENDED SPECIAL PROCEDURES IN SECOND STATEMENT ON ART. 9, ACCEPTED CRITICISM OF INTERPRETATION/APPLICATION DISTINCTION AND SUGGESTED QUOTE SPECIALIZED COMMISSIONS UNQUOTE COULD BOTH INTERPRET AND APPLY THE CONVENTION. USSR ALSO SUPPORTED ALLOWING PARTIES TO A DISPUTE TO SELECT ANY PERSONS FOR SPECIALIZED COMMISSIONS, NOT JUST TECHNICAL EXPERTS.

4. ARGENTINA RESTATED ITS RESERVATIONS ON CONCEPTUAL APPROACH OF SECTION II AND SUPPORTED ON TRIBUNAL INSTEAD OF TWO. ARGENTINE REP. SAID HE UNDERSTOOD DRAWBACKS BUT NOT BENEFITS OF SPECIAL PROCEDURES AND SHARED CANADA'S CONCERN THAT A FISHEREIS PROCEDURE PREJUDICES ARTICLE 18. IRAQ SUPPORTED APPROACH OF PARA. 1, AND IS NOT OPPOSED TO SPECIAL PROCEDURES. INDIA FAVORED INCLUSION OF SPECIAL PROCEDURES ONLY IN AN OPTIONAL PROTOCOL.

5. IRELAND STRONGLY SUPPORTED CDS AND GENERAL APPROACH OF JAPAN ON SPECIAL PROCEDURES AS INDEPENDENT PROCEDURE LEADING TO FINAL AND BINDING SETTLEMENT. IS WILLING TO GO ALONG WITH LOS TRIBUNAL ALTHOUGH THEY SEE NO NEED FOR IT. AUSTRALIA SAID ARTICLE 9 IS BASICALLY ACCEPTABLE AS IT STANDS AND ARGUED THAT THE CHOICE IN ART. 9 IS NOT IN DEROGATION OF SOVEREIGNTY BUT IS ITSELF AN EXERCISE OF SOVEREIGNTY. SINGAPORE SUPPORTED PRESENT TEXT OF ARTICLE 9 AND SAID THEY COULD NOT AGREE TO EXCLUDE MARITIME ZONES FROM CDS.
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